

NOTICE OF FINAL PERMIT DECISION

under

California Code of Regulations

Issuance Date: December 1, 2004

In accordance with the requirements of California Code of Regulations, title 22, section 66271.14 (22 CCR 66271.14), the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) is issuing this final decision to issue a Hazardous Waste Facility Permit to:

Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560-4224

DTSC is also approving the partial closure plan of the re-refinery unit at Evergreen Oil, Inc. From May 28, 2004 through July 28, 2004, the Southern California Permitting and Corrective Action Branch of DTSC requested public comments on the intent to issue the Hazardous Waste Facility Permit to Evergreen Oil, Inc. - Newark facility and the proposed partial closure plan approval of the re-refinery unit. DTSC received extensive comments during the public comment period and has prepared a Response to Comments document. A copy of the Response to Comments will be provided to all those who commented.

The Permit was signed and issued on December 1, 2004. This action constitutes a final permit decision under 22 CCR 66271.14(a) and the permit will become effective on January 5, 2005 unless the permit decision is appealed.

This permit issuance decision may be appealed in accordance with 22 CCR 66271.18. Any person who filed comments on the draft permit or who participated in the public hearing held on June 29, 2004 may petition DTSC to review any condition of the permit decision. Persons who failed to file comments on the draft permit or failed to participate in the public hearing on the draft permit may petition for administrative review only on changes from the draft to the final permit. The petition must be postmarked no later than 5:00 PM January 4, 2005 and sent to:

Mr. Watson Gin, Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

with a complete copy to:

Jose Kou, P.E., Chief
Southern California Permitting and Corrective Action Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

The petition shall include a statement of the reasons supporting the request for review, including a demonstration that any issues being raised were raised during the public comment period and when appropriate, a showing that the condition in question is based on:

- 1) a finding of fact or conclusion of law which is clearly erroneous, or
- 2) an exercise of discretion or an important policy consideration which DTSC should review.

A copy of the final administrative record for the decision is available for review at:

Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201
Contact: Ms. Jone Bario
Telephone: (818) 551-2952

The permit application, Permit, Consent Agreement, City of Newark Negative Declaration, Health Risk Assessment, RCRA Facility Assessment, fact sheet, and Response to Comments are available for inspection and copying at the above address and at:

Newark Public Library
6300 Civic Terrace Avenue
Newark, California

Please bring this notice to the attention of all persons who you know would be interested in this matter. If you have any questions regarding this matter, please contact Mike Eshaghian at (818) 551-2926.

//Original signed by//

Jose Kou, P.E., Chief
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program